

REMARKS

The Office Action dated March 18, 2010, has been carefully considered. Claims 1-6, 11, and 23-36 are pending. New Claims 31-36 have been added to further define the protection in which Applicant is entitled. Applicant requests that the Examiner consider the following remarks, and pass the application to allowance.

Rejection - 35 U.S.C. §112

Claims 11 and 30 were rejected under 35 U.S.C. 112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the closed-ended transitional phrase "pipe coupling consisting of", but the claim also recites the open-ended transitional phrase "elongated housing comprising".

Claim 11 has been amended to recite an elongated housing having a first end and a second end, the housing defining an elongated bore therein. Claim 30 depends from Claim 11.

Accordingly, withdrawal of said rejection is respectfully requested.

Rejection - 35 U.S.C. §102

Claims 1, 11, 23, 29, and 30 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by JP 01-182694, Ezaki et al., hereinafter "Ezaki".

Ezaki relates a pipe fitting, wherein "[e]ach of butting end faces 101, 102 of pipe bodies 1, 2 is formed into an almost circular incline with angles θ_1 , θ_2 to virtual cutting planes (A), (B) perpendicular to respective axes 01, 02. Accordingly, these butting end faces 101, 201 as each rotational surface whereby each connected angle of these pipe bodies 1, 2 can be variably adjusted." See abstract of Ezaki.

Claims 1, 11, and 23 recite among other elements a pipe coupling, which includes an elongated housing comprising a first end and a second end, the housing defining an elongated bore therein.

Ezaki does not disclose the existence of an elongated housing or elongated bore therein as recited. Elongate or elongated refers to "1: stretched out 2: slender" Merriam-Webster's Collegiate Dictionary, Tenth Edition. On the contrary, Ezaki relates to a pipe fitting, which has approximately the same diameter (or width) as

length. In addition, if the pipe fitting of Ezaki had an elongated housing as recited in Claims 1, 11, and 23, the pipe fitting of Ezaki would be unable "[t]o make the connected angle of a pipe body variably adjustable in an easy manner by forming each of butting end faces of the pipe body into an almost circular inclined angled with a virtual cutting plane perpendicular to the axis" as described in the Abstract.

In addition, as recited in Claims 1 and 11, Ezaki does not teach or disclose that each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop. Rather as shown in FIGS. 1 and 7 of Ezaki, a pipe end would be free to extend through the stop rather than advancing into the pipe coupling until reaching the stop as recited in Claims 1 and 11.

Accordingly, for the reasons set forth above, Claims 1, 11 and 23 should be allowable. Claims 29 and 30 are dependent from Claims 1 and 11, and for the reasons set forth above as to Claims 1 and 11, Claims 29 and 30 should be allowable.

Rejection - 35 U.S.C. §103

Claims 2-6 and 24-28 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Ezaki et al. in view of U.S. Patent No. 3,995,888, McIlroy, hereinafter "McIlroy".

According to the Examination Guidelines for Determining Obviousness, 72 Fed. Reg. 57526, 57528 (Oct. 10, 2007), Office personnel must resolve the Graham factual inquiries and then articulate the following:

(1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference;

(2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely would have performed the same function as it did separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness. *Id.*

In *Ex Parte Whalen*, 89 USPQ2d 1078 (BPAI 2008), the Board articulated that "obviousness cannot be proven merely showing that the elements of a claimed

device were known in the prior art" (emphasis added). The Board stated that to demonstrate obviousness, "it must be shown that those of ordinary skill in the art would have had some 'apparent reason to combine the known elements in the fashioned claimed.'" *Id.* (quoting *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007)) (emphasis added).

The Official Action takes the position that Ezaki discloses the claimed invention except for the angle between the first cylindrical bore and the second cylindrical bore being about 45, 60, 90, 120, 135 degrees. Acknowledging that Ezaki fails to disclose the respective angles, McIlroy is cited for disclosure of "angles (acute and obtuse) between a first cylindrical bore and a second cylindrical bore (col. 3, lines 4-7). The Official Action also takes the position that "[i]t would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an angle between the first cylindrical bore and the second cylindrical bore of about 45, 60, 90, 120, 135 degrees, since such a change is the shape of a prior art device is a design consideration within the level of skill of one skilled in the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966)". See page 6 of the Official Action. However, the purpose of Ezaki is "[t]o make the connected angle of a pipe body variably adjustable in an easy manner by forming each of butting end faces of the pipe body into an almost circular inclined angled with a virtual cutting plane perpendicular to the axis." Thus, by changing the angle of each of the butting end faces to be about 45, 60, 90, 120, and 135, the variably adjustable function of Ezaki's pipe fitting would not be achieved with an angle of 45, 60, 90, 120 and/or 135 as recited in Claims 2-6 and 24-28. ,

Accordingly, for the reasons set forth above as to Claims 1 and 23, and further since Claims 2-6 and 24-28 are dependent from Claims 1 and 23, Claims 2-6 and 24-28 should be allowable.

New Claims 31-36

New Claims 31-35 recite the pipe coupling of Claim 1, wherein the angle between the first cylindrical bore and the second cylindrical bore is about 45 degrees to about 135 degrees; wherein the angle between the first cylindrical bore and the second cylindrical bore is about 60 degrees to about 90 degrees; wherein the stop is a circular ring; wherein the stop is at least two rectangular inserts; and wherein the

stop is two half circles, respectively. For at least the reasons set forth above as to Claim 1, Claims 31-35 should be allowable.

New Claim 36 recites the pipe coupling of Claim 23, wherein each of the cylindrical bores are configured to allow a pipe end to advance into the pipe coupling until reaching the stop. For at least the reasons set forth above as to Claim 23, Claim 36 should be allowable.

Conclusion

It is respectfully submitted that the claims are presently in condition for immediate allowance, and such action is requested. If, however, any matters remain that can be clarified by the Examiner's amendment, the Examiner is cordially invited to contact the undersigned by telephone at the number below. In the event that there are any questions concerning the amendments or the application in general, the Examiner is respectfully urged to contact the undersigned so that prosecution may be expedited.

Respectfully submitted,

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